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REMARKS

Claims 1-18 remain pending in this application for which applicants seek reconsideration.

Amendment

Claims 12, 16, and 18 have been amended to improve their form and readability. In particular, the preamble of claims 16 and 18 has been improved, namely directing to a storage medium storing a computer readable program. Claims 7, 17, and 18 have been amended to incorporate part of claim 10, namely relating to altering the image data size. Claim 10 has been amended to properly reflect the changes made to claim 7. No new matter has been introduced.

Art Rejection

Claims 1-3, 6-9, 11, 12 and 15-18 were rejected under 35 U.S.C. § 102(e) as anticipated by Misawa (USP 6,771,382). Claims 4 and 10 were rejected under 35 U.S.C. § 103(a) as unpatentable over Misawa in view of Kim (USP 6,268,937). Claim 5 was rejected under § 103(a) as unpatentable over Misawa in view of Morigami (USP 6,057,934). Claims 13 and 14 were rejected under § 103(a) as unpatentable over Misawa. Applicants traverse these rejections at least to the extent that neither Misawa alone nor in combination with the applied secondary references would have disclosed or taught the controller/controller step/controller module as set forth in independent claims 1, 15, and 16, and the feature set forth in original claim 10, which is now incorporated in independent claims 7, 17, and 18.

Independent claims 1, 15, and 16 each call for processing input image data so that the image represented by the image data has a predetermined size before processing the data for facsimile transmission. That is, the data to be transmitted via facsimile is processed to the predetermined size while the data to be transmitted via email is not.

Misawa discloses a communication apparatus having both the facsimile transmission unit 14 and email transmission unit 17. A CPU 11 compares the size of image data to be transmitted with a previously set reference value. When the image data size exceeds the reference value, the image data is transmitted via the facsimile transmission unit, while when the image data size does not exceed the reference value, the image data is transmitted via the email transmission unit 15. See column 5, lines 16-26, the paragraph spanning columns 5-6, and column 6, lines 13-29. Misawa merely discloses automatically selecting either the facsimile transmission unit or the email transmission unit depending upon the image data size. Misawa, however, does not disclose or teach altering the image data size based on the type of

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transmission selected. Accordingly, Misawa would not have anticipated or taught the invention set forth in independent claims 1, 15, and 16 within the meaning of §§ 102, 103.

Independent claims 7, 17, and 18 each call for processing the input image data based on the image data size before processing for transmission via email or facsimile. Specifically, as featured in original claim 10, these claims now call for altering the input image data size to a predetermined size when the input image data size is smaller than the predetermined size for transmission made by facsimile. Again, Misawa would not have taught altering the image data size based on the transmission selected and the input image data size.

The examiner thus relied upon Kim for the proposition that altering the image data size before transmitting the same via facsimile would have been obvious. Applicants disagree because Kim merely discloses sensing the paper size of the documents to be faxed and automatically selecting the paper size. While Kim discloses adding white pixels as dummy data to transmission lines to compensate for the difference between a transmission size and an original document size, Kim does not disclose or teach enlarging the image data to a predetermined size. In short, Kim simply fails to teach altering the image data size when it is to be transmitted via facsimile as opposed to transmission by email. Further, Misawa would have taught away from preprocessing the input image data based on the image size since Misawa explicitly calls for using the image size to select the transmission type. As Kim would not have alleviated Misawa's shortcomings, even if the combination were deemed proper for argument's sake, applicants submit that independent claims 7, 17, and 18 also would have distinguished over the combination.

Morigami was relied upon for the proposition that using different gamma values in producing data for facsimile and monitors would have been known. Even if Morigami were deemed properly combinable, it would not have alleviated Misawa's shortcomings noted above.

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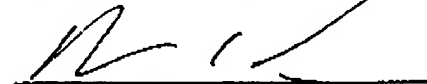SN. 10/016,682   ATTORNEY DOCKET NO. CANO:039

Conclusion

Applicants submit that claims 1-18 patentably distinguish over the applied references and are in condition for allowance. Should the examiner have any issues concerning this reply or any other outstanding issues remaining in this application, applicants urge the examiner to contact the undersigned to expedite prosecution.

Respectfully submitted,

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12/09/05

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